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REMARKS

Claims 1-29 are pending in this application. Claims 1-4, 11, 18 and 24-29 are canceled herein without prejudice to the filing of a continuation application. Claims 24-29 are currently withdrawn as directed to a non-elected invention and applicants respectfully request that these claims be rejoined for examination in the present application, as set forth below. Claims 5, 13, 20, 22, 23, 24 and 27 are amended herein for clarity to more particularly define the invention. In particular, withdrawn claims 24 and 27 are amended herein to depend from claims 5 and 13, which are amended herein to incorporate the allowable subject matter of claims 11 and 18, which are canceled herein. Support for these amendments is found in the language of the original claims and throughout the specification. No new matter is added by these amendments and their entry and consideration are respectfully requested. In light of these amendments and the following remarks, reconsideration of this application and allowance of the pending claims is respectfully requested.

I. Claim objections

A. The Office Action states that claim 20 is objected to for the recitation of "HIV-form," which the Examiner indicates should be "HIV-1 form."

Claims 20 is amended herein to recite "HIV-1 form," thereby rendering this objection moot and applicants respectfully request its withdrawal.

B. The Office Action states that claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim.

Claims 5 and 13 are amended herein to incorporate the subject matter of claims 11 and 18, from which they respectively depend. Claims 11 and 18 are also canceled herein without prejudice. Thus, this objection is overcome and claims 5 and 13 are in condition for allowance, which action is respectfully requested.

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II. Rejection under 35 U.S.C. § 112, second paragraph

The Office Action states that claim 23 is objected to under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite on the basis that the phrase "a retroviral expression vector" lacks antecedent basis.

Claim 23 is amended herein to recite "the retroviral expression vector" and to depend from claim 22, which provide antecedent basis for this term. Thus, this rejection has been overcome and applicants respectfully request its withdrawal.

III. Rejection under 35 U.S.C. § 102(b)

The Office Action states that claims 1, 4, 5, 8, 9, 12, 13, 16, 19, 21 and 22 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Miyoshi et al.

Claims 1 and 4 are canceled herein without prejudice, thereby mooting this rejection with regard to these claims. Claims 5 and 13 are amended herein to incorporate the subject matter of claims 11 and 18, from which these latter claims respectively depend. Claims 8, 9, 12, 21 and 22 are also dependent from claims 5 or 13. As the Examiner indicated above, the subject matter of claims 11 and 18 would be allowable if rewritten in independent form, which applicants have done herein by amendment of claims 5 and 13. Thus, the claims as presented herein are not anticipated by Miyoshi et al. and applicants respectfully request the withdrawal of this rejection and allowance of the pending claims to issue.

IV. Rejection under 35 U.S.C. § 103

The Office Action states that claims 2, 3, 6, 7, 10, 14, 15 and 17 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over Miyoshi et al in view of Xu et al.

Claims 2 and 3 are canceled herein without prejudice, thereby mooting this rejection with regard to these claims. Claims 5 and 13 are amended herein to incorporate the subject matter of claims 11 and 18, from which these latter claims respectively depend. Claims 6, 7, 10, 14, 15

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and 17 are also dependent from claims 5 or 13. As the Examiner indicated above, the subject matter of claims 11 and 18 would be allowable if rewritten in independent form, which applicants have done herein by amendment of claims 5 and 13. Thus, the claims as presented herein would not have been obvious in view of Miyoshi et al. and/or Xu et al. and applicants respectfully request the withdrawal of this rejection and allowance of the pending claims to issue.

V. Rejoinder of method claims 24-29

Applicants believe that the rejections cited in the pending Office Action have been adequately addressed and that the pending composition claims are now in condition for allowance, which action is respectfully requested. Furthermore, withdrawn method claims 24-29, as amended herein, depend from and incorporate all the limitations of pending claims 5 and 13. Once it is determined that claims 5 and 13 are allowable, applicants are entitled to have the dependent method claims examined under the rules of rejoinder as set forth in section 821.04 of the MPEP and such examination and allowance is respectfully requested.

Having addressed all of the issues raised in the Office Action, applicants present claims herein that are in condition for allowance, which action is respectfully requested. The Examiner is encouraged to contact the undersigned directly if such contact will expedite the examination and allowance of the pending claims.